

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

NITTO DENKO CORPORATION,

Plaintiff,

v.

HUTCHINSON TECHNOLOGY  
INCORPORATED,

Defendant.

Civil Action No. 18-cv-01669-SRN-LIB

**DEFENDANT HUTCHINSON TECHNOLOGY INC.’S STATEMENT OF THE  
CASE**

Pursuant to the Court’s October 4, 2018 Pretrial Notice and Order (Dkt. 155), Defendant Hutchinson Technology Inc. (“HTI”) submits this Statement of the Case.

**I. Facts of the Case**

Plaintiff Nitto Denko Corporation (“Nitto”) and HTI are competitors in the world-wide market for flexures. Flexures are small flexible printed circuit boards used in hard disk drives.

Nitto sued HTI in New Jersey District Court in June 2016 alleging infringement of six patents related to flexures and/or methods of manufacture. In September 2016, Nitto also filed a motion for a preliminary injunction on five of the asserted patents, seeking to enjoin HTI from manufacturing or selling flexures worldwide. Nitto’s motion was removed from the New Jersey court’s docket and has never been refiled. In June 2018, Nitto consented to transfer this case from New Jersey to this district.

## **II. Listing of Particularized Facts**

In response to Nitto Japan's infringement allegations, HTI asserts numerous defenses and counterclaims. *See* Dkt. 152. These defenses and counterclaims will establish, among other things that: (i) Nitto's claims are entirely without merit, (ii) the Nitto patents are invalid, (iii) HTI does not infringe any claim of the Nitto patents, and (iv) HTI is entitled to damages from Nitto Japan.

In September 2016, Nitto and its Thai subsidiary commenced a parallel action against HTI's Thai subsidiary in the Thailand Central Intellectual Property and Trade Court based on three Thai patents were counterparts of three of the six patents asserted in this action. Following a trial on the merits, in July 2018, the Thai Court ruled that all three of Nitto's Thai patents are invalid in view of prior art. Despite the Thai court's decision, Nitto continues to assert the U.S. counterpart patents in this action.

## **III. Itemization and Explanation of any Claimed Damages**

Because Nitto's infringement allegations are exceptionally meritless, this Court should find this case exceptional and order Nitto to, at the very least, pay HTI's attorneys' fees pursuant to 35 U.S.C. § 285.

Dated: October 18, 2018

Respectfully submitted,

/s/ Cyrus A. Morton

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